

CHAPTER NO. 1040

HOUSE BILL NO. 3154

By Representatives Hood, Hargrove, McMillan, Jackson, Scroggs, Newton, Raymond Walker, Dunn, Sargent, Patton, Ford, Fitzhugh

Substituted for: Senate Bill No. 2932

By Senators Haynes, McNally, Crutchfield, Graves, Harper, Carter

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13 and Title 39, Chapter 15, relative to criminal offenses and child abuse or neglect.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Section 39-15-402, is amended by deleting the section in its entirety and substituting instead the following:

(a) A person commits the offense of aggravated child abuse or aggravated child neglect who commits the offense of child abuse or neglect as defined in Section 39-15-401 and:

(1) The act of abuse or neglect results in serious bodily injury to the child; or

(2) A deadly weapon is used to accomplish the act of abuse.

(b) A violation of this section is a Class B felony; provided, that, if the abused or neglected child is six (6) years of age or less, the penalty is a Class A felony.

(c) Nothing in this chapter shall be construed to mean a child is neglected, abused, or abused or neglected in an aggravated manner for the sole reason the child is being provided treatment by spiritual means through prayer alone in accordance with the tenets or practices of a recognized church or religious denomination by a duly accredited practitioner thereof in lieu of medical or surgical treatment.

SECTION 2. Tennessee Code Annotated Section 39-15-401(a), is amended by adding the words "or neglected" following the words "if the abused" and before the words "child is six (6) years of age or less."

SECTION 3. Tennessee Code Annotated Section 39-13-202(a)(2), is amended by deleting the words "aggravated child abuse or aircraft piracy; or" and substituting instead the words "aggravated child abuse, aggravated child neglect or aircraft piracy; or"

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 29, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 18th day of May 1998


DON SUNDQUIST, GOVERNOR